

Exhibit No. 5
Date 2-11-2013
Bill No. HB 145

I am Bill Harris, Representative for House District 30. My district includes Garfield and Petroleum Counties, and a large portion of McCone and Fergus Counties. This morning I bring to you – **(read bill title)** – I call this bill The Federal Mandate Accountability Act.

I am very aware, as you no doubt are, of the Constitutional balance of State and Federal Responsibility and power. I believe this bill goes a long way to help Montana maintain this Constitutional balance.

In 1995, the Montana Legislature passed the Unfunded Mandates Reform Act of 1995. This has been the law for 18 years in Montana. However, because there was not an adequate avenue of implementation written into the law, it has not been successfully exercised. This bill attempts to correct and lay out the necessary steps to fulfill its intended purpose.

This purpose is best described as:

First, transparency of all new federal mandates received each year, by posting them on the internet for public view.

Then, the Governor and all state agencies must report to the legislature all federal mandates as they are received. This must be done before they can be included in the budget process or adopted as policy.

An efficient method of collecting and reporting must be developed by the Governor and all agencies to inform the legislature in an accurate and timely manner.

The Governor must base the budget and recommended savings according to state statutes and the U.S. Constitution.

It will be the responsibility of the legislature to consider new mandates or changes in mandates by the federal government. Then, by the process laid out in the Montana Constitution, the legislature will accept or deny mandates based on the U.S. Constitution and state statutes.